

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0207-AIR-E **TCEQ ID:** RN100214352 **CASE NO.:** 32621  
**RESPONDENT NAME:** Dome Hydrocarbons, L.C.

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chambers Plant 1, 6655 West Bay Road, Baytown, Chambers County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 25, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Kim Morales, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8938; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Rodman Eggen, President, Dome Hydrocarbons, L.C., 6655 West Bay Road, Baytown, Texas 77520  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 28, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 18, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Two violations were documented.</p> <p><b>AIR</b></p> <p>1) Failed to submit an annual compliance certification for the period March 30, 2005 to March 30, 2006. Specifically, the certification was required to be submitted on or before April 30, 2006. The certification was submitted on August 29, 2006 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.146(2), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12].</p> <p>2) Failed to submit a timely deviation report for the period March 30, 2005 to September 29, 2005. Specifically, the deviation report required to be submitted on or before October 29, 2005, failed to include the deviation for the late submittal of the March 30, 2004 to March 30, 2005 annual compliance certification [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(B), 122.145(2)(C), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12].</p>	<p><b>Total Assessed:</b> \$6,000</p> <p><b>Total Deferred:</b> \$1,200  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,800</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent submitted the annual compliance certification for the period March 30, 2005 to March 30, 2006 to the Houston Regional Office on August 29, 2006.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the required semi-annual deviation report for the late submittal of the annual compliance certification for the period March 30, 2004 to March 30, 2005; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification encompassing detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Jan-2007
	<b>PCW</b>	22-Feb-2007
	<b>Screening</b>	22-Jan-2007
	<b>EPA Due</b>	29-Oct-2007

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Dome Hydrocarbons, L.C.		
<b>Reg. Ent. Ref. No.</b>	RN100214352		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	32621	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2007-0207-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air Quality	<b>Enf. Coordinator</b>	Jason Kemp	
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$5,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 20% Enhancement **Subtotals 2, 3, & 7** \$1,000

**Notes** The compliance history was enhanced by one 1660-style Agreed Order.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts	\$54
Approx. Cost of Compliance	\$1,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$6,000

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** \$6,000

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$6,000

**DEFERRAL** 20% Reduction **Adjustment** -\$1,200

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$4,800

Screening Date 22-Jan-2007

Docket No. 2007-0207-AIR-E

PCW

Respondent Dome Hydrocarbons, L.C.

Policy Revision 2 (September 2002)

Case ID No. 32621

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100214352

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The compliance history was enhanced by one 1660-style Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 20%

Screening Date 22-Jan-2007

Docket No. 2007-0207-AIR-E

PCW

Respondent Dome Hydrocarbons, L.C.

Policy Revision 2 (September 2002)

Case ID No. 32621

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100214352

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.146(2), Tex. Health &amp; Safety Code § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12

Violation Description

Failed to submit an annual compliance certification for the period March 30, 2005 to March 30, 2006, as documented in an investigation conducted on August 28, 2006. Specifically, the certification was required to be submitted on or before April 30, 2006. The certification was submitted on August 29, 2006.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

121 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

## Economic Benefit Worksheet

**Respondent:** Dome Hydrocarbons, L.C.  
**Case ID No:** 32621  
**Reg. Ent. Reference No:** RN100214352  
**Media:** Air Quality  
**Violation No:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	30-Apr-2006	29-Aug-2006	0.3	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an annual compliance certification. The date required is the date the certification was required to be submitted. The final date is the date the respondent submitted the certification.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	<b>TOTAL</b>	\$8
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Screening Date 22-Jan-2007

Docket No. 2007-0207-AIR-E

PCW

Respondent Dome Hydrocarbons, L.C.

Policy Revision 2 (September 2002)

Case ID No. 32621

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100214352

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B), 122.145(2)(C), Tex. Health &amp; Safety Code § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12

Violation Description

Failed to submit a timely deviation report for the period March 30, 2005 to September 29, 2005, as documented in an investigation conducted on August 28, 2006.

Specifically, the deviation report required to be submitted on or before October 29, 2005, failed to include the deviation for the late submittal of the March 30, 2004 to March 30, 2005 annual compliance certification.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

454 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000



## Economic Benefit Worksheet

**Respondent:** Dome Hydrocarbons, L.C.  
**Case ID No.:** 32621  
**Reg. Ent. Reference No.:** RN100214352  
**Media:** Air Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	29-Oct-2005	30-Aug-2007	1.8	\$46	n/a	\$46
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a deviation report. The date required is the date the deviation report was required to be submitted. The final date is the date the respondent is expected to submit the deviation report.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$46



## Compliance History

Customer/Respondent/Owner-Operator:	CN601535271	Dome Hydrocarbons, L.C.	Classification: AVERAGE	Rating: 15.00
Regulated Entity:	RN100214352	DOMES HYDROCARBONS CHAMBERS PLANT 1	Classification: AVERAGE	Site Rating: 15.00
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0069U	
	AIR OPERATING PERMITS	PERMIT	1572	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0191W	
	AIR NEW SOURCE PERMITS	PERMIT	9564	
	AIR NEW SOURCE PERMITS	PERMIT	31384	
	AIR NEW SOURCE PERMITS	PERMIT	45375	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1007	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0191W	
	AIR NEW SOURCE PERMITS	REGISTRATION	75699	
	AIR NEW SOURCE PERMITS	REGISTRATION	76232	
	AIR NEW SOURCE PERMITS	AFS NUM	0031	
ID Number(s):				
Location:	6655 W BAY RD, BAYTOWN, TX, 77520		Rating Date: September 01 06	Repeat Violator:
			NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 08, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 08, 2002 to February 08, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jason Kemp	Phone:	(512) 239-5610	

### Site Compliance History Components

- |  |                          |
|--|--------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes                      |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes                      |
| 3. If Yes, who is the current owner?   | Dome Hydrocarbons, L.C.  |
| 4. If Yes, who was/were the prior owner(s)?  | Dome Petrochemical, L.C. |
| 5. When did the change(s) in ownership occur?  | 01/29/2003               |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
Effective Date: 02/20/2006 ADMINORDER 2005-1473-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit the compliance certification on time.
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 08/10/2005 | (403589) |
| 2 | 05/19/2003 | (9814)   |
| 3 | 12/18/2006 | (457403) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.



N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DOME HYDROCARBONS, L.C.  
RN100214352**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0207-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dome Hydrocarbons, L.C. ("Dome") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Dome appear before the Commission and together stipulate that:

1. Dome owns and operates an industrial organic chemical manufacturing plant at 6655 West Bay Road in Baytown, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Dome agree that the Commission has jurisdiction to enter this Agreed Order, and that Dome is subject to the Commission's jurisdiction.
4. Dome received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dome of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dome has paid Four Thousand Eight Hundred Dollars (\$4,800) of the administrative penalty and One Thousand



Two Hundred Dollars (\$1,200) is deferred contingent upon Dome's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Dome fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Dome to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Dome have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Dome submitted the annual compliance certification for the period March 30, 2005 to March 30, 2006 to the Houston Regional Office on August 29, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Dome has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Dome is alleged to have:

1. Failed to submit an annual compliance certification for the period March 30, 2005 to March 30, 2006, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12, as documented during a record review conducted on August 28, 2006. Specifically, the certification was required to be submitted on or before April 30, 2006. The certification was submitted on August 29, 2006.
2. Failed to submit a timely deviation report for the period March 30, 2005 to September 29, 2005, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(B), 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01572, Special Condition 12, as documented during a record review conducted on August 28, 2006. Specifically, the deviation report required to be submitted on or before October 29, 2005, failed to include the deviation for the late submittal of the March 30, 2004 to March 30, 2005 annual compliance certification.





### III. DENIALS

Dome generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dome pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Dome's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Dome Hydrocarbons, L.C., Docket No. 2007-0207-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Dome shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit the required semi-annual deviation report for the late submittal of the annual compliance certification for the period March 30, 2004 to March 30, 2005; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Dome. Dome is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Dome fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Dome's failure to comply is not a violation of this Agreed Order. Dome shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dome shall notify the Executive Director within seven days after Dome becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dome shall be made in writing to the Executive Director. Extensions are not effective until Dome receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Dome in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Dome, or three days after the date on which the Commission mails notice of the Order to Dome, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


8/21/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

APR 21, 2007  
Date

RODMAN EGGON  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Dome Hydrocarbons, L.C.

President  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

